In The High Court of Uttaranchal, at Nainital.

Civil Writ Petition No. 183/2004 (S/B)

Col. A.K. Jha, (Retd.)
S/o Late Sri S.K. Jha,
Ex- Sr. Commandant, C.I.S.F.
C/o Smt. Savitri Jha
Principal G.G.I.C., Sitarganj,
District Udham Singh Nagar ... Petitioner.

Versus

1- Union of India through its
Secretary, Ministry of Home Affairs,
Govt. of India, South Block, New Delhi.

2. The Inspector General, C.I.S.F.,
North Sector, C.I.S.F. Campus, Saket,
New Delhi.

3. The D.I.G., C.I.S.F. North Zone,
Head Quarters, C.I.S.F. Campus, Saket,
New Delhi …. Respondents.

Sri B.S. Parihar, learned counsel for the petitioner.
Sri Vikas Pande, learned Standing Counsel for the respondents.

Coram: Hon'ble P.C. Verma, J.

Hon'ble B.C.Kandpal, J.

Dated: 03-04-2006

By way of this writ petition, the petitioner has claimed the following relief:-

(a) To issue a writ, order or direction in the nature of mandamus directing the respondents hereto-

(i) to release the gratuity of the petitioner together with interest @ 12% per annum w.e.f 1st March, 2003 till the date of actual payment;

(ii) to release the payment of Rs. 20,000/- deducted from the Leave Encashment paid to the petitioner together with interest @ 12% per annum w.e.f. 1st March, 2003 till the date of actual payment;

(iii) to pay interest @ 12% per annum on the G.P.F./Leave Encashment paid to the petitioner amounting to Rs.

2,22,190/- w.e.f. 1st March, 2003 till 7th May, 2004 in lieu of delayed payment.

(b) To issue a writ, order or direction in the nature of certiorari quashing the show- cause notice dated 6-11-2003 (Annexure No. 8) issued to the petitioner.

2- It appears from the petition as well as from the counter affidavit that the gratuity of the petitioner has not been withheld by the department. Rather it appears from Annexure No. 7 annexed to the writ petition that the amount has been paid to the petitioner.

3- The petitioner could not show any material before us, on which basis the direction by this court can be issued in his favour that the petitioner is entitled for an interest @ 12% per annum on the amount already paid to him.

4- As far as the prayer No. 2 in the writ petition that an amount of Rs. 20,000/- deducted from the leave encashment paid to the petitioner be released, is concerned, it reveals that the said amount has been withheld by the department on the ground that the petitioner while holding the charge of Senior Commandant C.I.S.F. Unit has held certain items like drilling Machine, one pair of Double Bed, one Dying Table, Dying Chairs etc with him. The department has, therefore, after considering the value of the aforesaid articles, withheld by the petitioner, has assessed the cost of Rs. 20,000/-. We are of the view that the amount of Rs. 20,000/- as has been assessed by the department with regard to the items withheld by the petitioner appear to be justified. No ground for interference exists.

5- The writ petition lacks merits and is liable to be dismissed.

6- Accordingly the writ petition is dismissed.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

ISB